

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MELVIN MASON	§	PLAINTIFF
V.	§	CAUSE NO. 1:09cv156-LG-JMR
WILLIAM E. CASSADY, IN HIS CAPACITY AS JUDGE IN U.S. DISTRICT COURT; STEVEN L. KELLER, IN HIS CAPACITY AS VETERANS' LAW JUDGE, BOARD OF VETERANS' APPEALS; ANDREW J. MULLEN, IN HIS CAPACITY AS VETERANS' LAW JUDGE, BOARD OF VETERANS' APPEALS; PRINCE ARNOLD, IN HIS CAPACITY AS SHERIFF OF WILCOX COUNTY/GUARDIAN; UNKNOWN GOAT, IN HIS CAPACITY AS INVESTIGATOR FOR THE WILCOX COUNTY SHERIFF'S DEPARTMENT; GEORGE E. ESTES, III; ESTES AND ESTES, P.A.; SANGERNETTA MASON, IN HER CAPACITY AS EXECUTRIX; PATRICIA ANN MASON- ROBINSON, IN HER CAPACITY AS EXECUTRIX; and LYNDA FAYE MASON-TERRY, IN HER CAPACITY AS EXECUTRIX	§	DEFENDANTS

ORDER DENYING DEFAULT JUDGMENT

BEFORE THE COURT is *pro se* Plaintiff Melvin Mason's [107] Motion to Court for Order Granting Default Judgment. He initiated this action alleging, among other things, that he was improperly named an heir in State Chancery Court proceedings. He argues he is entitled to Default Judgment against Defendant Lynda Faye Mason-

Terry for her failure to appear and defend this lawsuit. The Court has considered the Plaintiff's submissions, the record, and the relevant legal authority. The motion is denied.

The Plaintiff, an Alabama resident, brought this lawsuit on February 9, 2009, against various defendants. Mason-Terry was personally served with process at her home in Texas, on May 14, 2010. The only claim against her was in connection with his challenge to a State Chancery Court judgment. This claim was dismissed by the Court on September 10, 2010, for lack of subject matter jurisdiction.

Five days later, Plaintiff moved for Entry of Default against Mason-Terry, which was entered the same day. The next day, he moved for reconsideration of the Order dismissing her. This motion has been denied by a contemporaneous order. Because she has been dismissed, he is not entitled to Default Judgment against her.

IT IS THEREFORE ORDERED AND ADJUDGED that for the reasons stated above, *pro se* Plaintiff Melvin Mason's [107] Motion to Court for Order Granting Default Judgment should be and is hereby **DENIED**.

SO ORDERED AND ADJUDGED this the 17th day of May, 2011.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief United States District Judge